

Message Text

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PAGE 01 USUN N 01839 300602Z

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AMEMBASSY LONDON

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AMEMBASSY MOSCOW

AMEMBASSY TEL AVIV

AMCONGEN JERUSALEM

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TAGS: PFOR UN XF PALESTINE

SUBJECT: COMMITTEE RECEIVES DRAFT RECOMMENDATIONS FOR
INCLUSION IN REPORT

1. PALESTINE COMMITTEE APRIL 28 RECEIVED TEXT OF DRAFT
RECOMMENDATIONS FOR INCLUSION IN REPORT WHICH COMMITTEE IS TO
SUBMIT BY JUNE 1 TO SECRETARY GENERAL FOR TRANSMISSION TO
SECURITY COUNCIL. CHAIRMAN FALL (SENEGAL) SAID COMMITTEE
WOULD MEET AGAIN NEXT WEEK TO CONSIDER DRAFT RECOMMENDATIONS
AND REMAINDER OF REPORT AFTER MEMBERS HAD OPPORTUNITY TO
CONSULT THEIR GOVERNMENTS ON THE TEXT. TEXT WAS PREPARED
BY DRAFTING GROUP COMPRISING AFGHANISTAN, CUBA, GUINEA,
INDIA, MALTA, PLO, SENEGAL AND TUNISIA.

UNCLASSIFIED

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PAGE 02 USUN N 01839 300602Z

2. FIRST OF DRAFT RECOMMENDATIONS, HEADED

"THE RIGHT OF RETURN", PROVIDES FOR A TWO-PHASE IMPLEMENTATION OF THE EXERCISE OF THIS RIGHT, "WITHOUT PREJUDICE TO THE RIGHT OF ALL PALESTINIANS TO RETURN TO THEIR HOMES, LANDS AND PROPERTY." FIRST PHASE INVOLVES THE RETURN TO THEIR HOMES OF PALESTINIANS DISPLACED AS A RESULT OF 1967 WAR, AND SECOND DEALS WITH RETURN TO THEIR HOMES OF PALESTINIANS DISPLACED BETWEEN 1948 AND 1967. PALESTINIANS NOT CHOOSING TO RETURN TO THEIR HOMES "SHOULD BE PAID JUST AND EQUITABLE COMPENSATION."

3. SECOND OF DRAFT RECOMMENDATIONS IS HEADED "RIGHT TO SELF DETERMINATION, NATIONAL INDEPENDENCE AND SOVEREIGNTY." UNDER THIS HEADING, COMMITTEE WOULD RECOMMEND THAT SECURITY COUNCIL ESTABLISH A TIME-TABLE FOR COMPLETE WITHDRAWAL BY ISRAELI OCCUPATION FORCES BY JUNE 1, 1977 FROM THE AREAS OCCUPIED IN 1967. EVACUATED TERRITORIES, "WITH ALL PROPERTY AND SERVICES INTACT", WOULD BE HANDED OVER TO UN "WHICH, WITH THE CO-OPERATION OF THE LEAGUE OF ARAB STATES, WILL SUBSEQUENTLY HAND OVER THESE EVACUATED AREAS TO THE PALESTINE LIBERATION ORGANIZATION (PLO) AS THE REPRESENTATIVE OF THE PALESTINIAN PEOPLE." THE COMMITTEE WOULD STATE THAT, UPON THE RETURN OF THE PALESTINIANS TO THEIR HOMES AND PROPERTY AND WITH THE ESTABLISHMENT OF AN INDEPENDENT PALESTINIAN ENTITY, THE PALESTINIAN PEOPLE WOULD BE ABLE TO EXERCISE ITS RIGHT TO SELF-DETERMINATION AND TO DECIDE ITS FORM OF GOVERNMENT WITHOUT EXTERNAL INTERFERENCE.

4. FOLLOWING A SECTION CONTAINING BASIC CONSIDERATIONS AND GUIDELINES, DRAFT RECOMMENDATIONS READ AS FOLLOW:

I. THE RIGHT OF RETURN

QUOTE

THE NATURAL AND INALIENABLE RIGHT OF PALESTINIANS TO RETURN TO THEIR HOMES IS RECOGNIZED BY RESOLUTION 194 (III) WHICH THE GENERAL ASSEMBLY HAS REAFFIRMED ALMOST EVERY YEAR SINCE ITS ADOPTION. THIS RIGHT WAS ALSO UNANIMOUSLY RECOGNIZED BY THE SECURITY COUNCIL IN ITS RESOLUTION 237 (1967); THE TIME FOR UNCLASSIFIED

UNCLASSIFIED

PAGE 03 USUN N 01839 300602Z

THE URGENT IMPLEMENTATION OF THESE RESOLUTIONS IS LONG OVERDUE.

WITHOUT PREJUDICE TO THE RIGHT OF ALL PALESTINIANS TO RETURN TO THEIR HOMES, LANDS AND PROPERTY, THE COMMITTEE CONSIDERS THAT THE PROGRAMME OF IMPLEMENTATION OF THE EXERCISE OF THIS RIGHT MAY BE CARRIED OUT IN TWO PHASES.

A. PHASE ONE

THE FIRST PHASE INVOLVES THE RETURN TO THEIR HOMES OF THE PALESTINIANS DISPLACED AS A RESULT OF THE WAR OF JUNE 1967.

THE COMMITTEE RECOMMENDS THAT:

(I) THE IMMEDIATE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 237 (1967) SHOULD BE REQUESTED BY THE SECURITY COUNCIL AND THAT SUCH IMPLEMENTATION SHOULD NOT BE RELATED TO ANY OTHER CONDITION;

(II) THE RESOURCES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) AND/OR UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST (UNRWA), SUITABLY FINANCED AND MANDATED, MAY BE EMPLOYED TO ASSIST IN THE SOLUTION OF ANY LOGISTICAL PROBLEMS INVOLVED IN THE RESETTLEMENT OF THOSE RETURNING TO THEIR HOMES. THESE AGENCIES COULD ALSO ASSIST, IN CO-OPERATION WITH THE HOST COUNTRIES AND THE PLO, IN THE IDENTIFICATION OF THE DISPLACED PALESTINIANS.

B. PHASE TWO

THE SECOND PHASE DEALS WITH THE RETURN TO THEIR HOMES OF THE PALESTINIANS DISPLACED BETWEEN 1948 AND 1967.

THE COMMITTEE RECOMMENDS THAT:

(I) WHILE THE FIRST PHASE IS BEING IMPLEMENTED, THE UNITED NATIONS, IN CO-OPERATION WITH THE STATES DIRECTLY INVOLVED, AND THE PLO AS THE INTERIM REPRESENTATIVES OF THE PALESTINIAN ENTITY, SHOULD PROCEED TO MAKE THE NECESSARY ARRANGEMENTS TO ENABLE PALESTINIANS DISPLACED BETWEEN 1948 AND 1967 TO EXERCISE THEIR RIGHT TO RETURN TO THEIR HOMES AND

UNCLASSIFIED

PAGE 04 USUN N 01839 300602Z

PROPERTY, IN ACCORDANCE WITH THE RELEVANT UNITED NATIONS RESOLUTIONS, PARTICULARLY GENERAL ASSEMBLY RESOLUTION 194 (III);

(II) PALESTINIANS NOT CHOOSING TO RETURN TO THEIR HOMES SHOULD BE PAID JUST AND EQUITABLE COMPENSATION AS PROVIDED FOR IN RESOLUTION 194 (III).

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II. RIGHT TO SELF-DETERMINATION, NATIONAL INDEPENDENCE AND SOVEREIGNTY

QUOTE

THE PALESTINIAN PEOPLE HAS THE INHERENT RIGHT TO SELF-

DETERMINATION, NATIONAL INDEPENDENCE AND SOVEREIGNTY IN PALESTINE. THE COMMITTEE CONSIDERS THAT THE EVACUATION OF THE TERRITORIES OCCUPIED BY FORCE AND IN VIOLATION OF THE PRINCIPLES OF THE CHARTER AND RELEVANT RESOLUTIONS OF THE UNITED NATIONS IS A CONDITIO SINE QUA NON FOR THE EXERCISE BY THE PALESTINIAN PEOPLE OF ITS INALIENABLE RIGHTS IN PALESTINE. THE COMMITTEE CONSIDERS, FURTHERMORE, THAT UPON THE RETURN OF THE PALESTINIANS TO THEIR HOMES AND PROPERTY AND WITH THE ESTABLISHMENT OF AN INDEPENDENT PALESTINIAN ENTITY, THE PALESTINIAN PEOPLE WILL BE ABLE TO EXERCISE ITS RIGHTS TO SELF-DETERMINATION AND TO DECIDE ITS FORM OF GOVERNMENT WITHOUT EXTERNAL INTERFERENCE. THE COMMITTEE ALSO FEELS THAT THE UNITED NATIONS HAS AN HISTORICAL DUTY AND RESPONSIBILITY TO RENDER ALL ASSISTANCE NECESSARY TO PROMOTE THE ECONOMIC DEVELOPMENT AND PROSPERITY OF THE PALESTINIAN ENTITY.

THE COMMITTEE RECOMMENDS THAT, TO THIS END:

(I) A TIMETABLE SHOULD BE ESTABLISHED BY THE SECURITY COUNCIL FOR THE COMPLETE WITHDRAWAL BY ISRAELI OCCUPATION FORCES FROM THOSE AREAS OCCUPIED IN 1967. SUCH WITHDRAWAL SHOULD BE COMPLETED NO LATER THAN 1 JUNE 1977;

(II) THE SECURITY COUNCIL MAY NEED TO PROVIDE TEMPORARY PEACEKEEPING FORCES IN ORDER TO FACILITATE THE PROCESS OF WITHDRAWAL;
UNCLASSIFIED

UNCLASSIFIED

PAGE 05 USUN N 01839 300602Z

(III) ISRAEL SHOULD BE REQUESTED BY THE SECURITY COUNCIL TO DESIST FROM THE ESTABLISHMENT OF NEW SETTLEMENTS AND TO WITHDRAW DURING THIS PERIOD FROM SETTLEMENTS ESTABLISHED SINCE 1967 IN THE OCCUPIED TERRITORIES. ARAB PROPERTY AND ALL ESSENTIAL SERVICES IN THESE AREAS SHOULD BE MAINTAINED INTACT;

(IV) ISRAEL SHOULD ALSO BE REQUESTED TO ABIDE SCRUPULOUSLY BY THE PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949, AND TO DECLARE, PENDING ITS SPEEDY WITHDRAWAL FROM THESE TERRITORIES, ITS RECOGNITION OF THE APPLICABILITY OF THAT CONVENTION;

(V) THE EVACUATED TERRITORIES, WITH ALL PROPERTY AND SERVICES INTACT, MAY BE HANDED OVER BY THE WITHDRAWING OCCUPATION FORCES TO THE UNITED NATIONS WHICH, WITH THE CO-OPERATION OF THE LEAGUE OF ARAB STATES, WILL SUBSEQUENTLY HAND OVER THESE EVACUATED AREAS TO THE PLO AS THE REPRESENTATIVE OF THE PALESTINIAN PEOPLE;

(VI) THE UNITED NATIONS SHOULD, IF NECESSARY, ASSIST IN

ESTABLISHING COMMUNICATIONS BETWEEN GAZA AND THE WEST BANK;

(VII) AS SOON AS THE INDEPENDENT PALESTINIAN ENTITY HAS BEEN ESTABLISHED, THE UNITED NATIONS, IN CO-OPERATION WITH THE STATES DIRECTLY INVOLVED AND THE PALESTINIAN ENTITY, SHOULD MAKE FURTHER ARRANGEMENTS, TAKING INTO ACCOUNT GENERAL ASSEMBLY RESOLUTION 3375 (XXX) FOR THE FULL IMPLEMENTATION OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE, AND THE ESTABLISHMENT OF A JUST AND LASTING PEACE IN THE MIDDLE EAST, IN ACCORDANCE WITH ALL RELEVANT UNITED NATIONS RESOLUTIONS.

(VIII) THE UNITED NATIONS SHOULD PROVIDE THE ECONOMIC AND TECHNICAL ASSISTANCE NECESSARY FOR THE CONSOLIDATION OF THE PALESTINIAN ENTITY.

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ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE
UNCLASSIFIED

UNCLASSIFIED

PAGE 06 USUN N 01839 300602Z

QUOTE

THE COMMITTEE FEELS THAT THE INTERNATIONAL COURT OF JUSTICE MAY BE REQUESTED TO GIVE ADVISORY OPINIONS ON A NUMBER OF LEGAL QUESTIONS, FOR INSTANCE, WHETHER CERTAIN LAWS ENACTED BY ISRAEL SINCE 1948, SUCH AS THE LAW OF RETURN, THE NATIONALITY LAW, THE ABSENTEE PROPERTY LAW AND THE DEVELOPMENT AUTHORITY LAW WERE COMPATIBLE WITH THE PROVISIONS OF THE PLAN OF PARTITION IN RESOLUTION 181 (II).

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